

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, March 20, 2006 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Bill Sanders, Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

Wood moved to approve the January 2006 minutes as presented.

Spoljaric seconded, and the motion passed by voice vote.

Miller reviewed the Public Hearing Rules and Procedures.

## **OLD BUSINESS**

**0601-VU-001:** 934 East 191<sup>st</sup> Street: Stanly Harmon: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.030-(B) to operate a business in an Agricultural Single Family 1 (AG-SF 1) zoning district. The Appellant is requesting to operate a one person contracting business with a one ton truck, tractor, skid loader and a trailer in a residential zoning classification.

**0601-VS-001:** 934 East 191<sup>st</sup> Street: Stanly Harmon: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.030-(B)-(3) to operate a business in an Agricultural Single Family 1 (AG-SF 1) zoning district and store his equipment in his backyard next to an existing garage. The Appellant is requesting to store a one ton truck, tractor, skid loader and a trailer in a residential zoning classification outside.

Higgins announced the petitioner has requested a continuance to the April BZA meeting, which is the second continuance request and therefore at the discretion of the BZA.

The Board approved the continuance of 0601-VU001 and 0601-VS-001 to the April BZA meeting.

**0601-VS-002:** 322 West Main Street: Rick Phillips – Westfield Washington School System: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(e) to reduce the required size of parking spots on the School grounds new parking lot to nine (9') by twenty (20') feet from the required ten (10') feet by twenty (20') feet.

Higgins read an email from Mr. Rick Phillips of the Westfield Washington School System regarding the withdrawal of 0601-VS-002.

Miller requested this email be marked Exhibit A and be made a specific part of the record of this meeting.

**0601-VU-002:** 14647 US 31: GRW Engineering – Simon Property: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.070-(2) to allow a drive thru at a Chick-Fil-A in Village Park Plaza.

**0601-VS-005:** 14647 US 31: GRW Engineering – Simon property: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(J)-(8) to reduce the number of required parking spots from Seventy-five (75) to Fifty-six (56).

**0601-VS-006:** 14647 US 31: GRW Engineering – Simon property: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(e) to reduce the required size of parking spots from the required ten (10') feet by twenty (20') feet to nine (9') by nineteen (19') feet.

Mr. Tom Breeden introduced Kristen Klebert, Chick-Fil-A; Trent Garret, Marshall Ferguson, and Tom Garvey with the Simon Group and presented the details of the requests. Breeden stated the Variance of Use request is to allow a drive though.

A Public Hearing opened at 7:21 p.m.

No one spoke, and the Public Hearing closed at 7:22 p.m.

Sanders arrived at 7:28 p.m.

Miller moved to approve 0601-VU-002 as filed and presented.

Mueller seconded, and the motion passed 4-1 (Sanders).

Miller moved to adopt the staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

Miller moved to deny 0601-VS-005 and 0601-VS-006.

Sanders seconded, and the motion passed 4-1 (Miller).

Zaiger stated he would develop a Findings of Fact appropriate for this motion.

## **NEW BUSINESS**

**0602-VS-008** 3849 East 216<sup>th</sup> Street Noblesville: Greg Hinshaw: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.030-(B)-(3) to allow for the storage of business equipment at the above location.

Mr. Greg Hinshaw presented the details of the requests which are to use the 40' x 48' warehouse on the property as a storage facility and also to be allowed to park two box trucks on the outside, overnight and on weekends. He stated there is an additional truck parked inside the building. He also stated the space is not to be used as an office, just storage.

Miller asked for clarification on the type the business.

Hinshaw responded manufacturer of concrete walls with materials including concrete forms, lumber, power tools, and shovels.

A Public Hearing opened at 7:50 p.m.

Mr. Greg Silcox spoke against the variance.

Mr. Martin Kirkwood spoke against the variance.

Mr. Gary Pontius spoke against the variance.

Ms. Linda Monroe spoke against the variance.

Mueller asked Zaiger to explain the Cease and Desist Order placed on the property previously.

Zaiger explained the Order.

The Public Hearing closed at 8:05 p.m.

Hinshaw responded to the Public Hearing comments.

Spoljaric moved to deny 0602-VS-008.

Sanders seconded, and the motion passed unanimously.

Miller moved to adopt the Staff's Findings of Fact.

Mueller seconded, and the motion passed by voice vote.

**0603-VS-009** 705 East Main Street Westfield: RDJ Companies: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.080.010-(I)-(2) to allow for the installation of an enhanced replacement sign of 17' 11" at the above location.

Higgins announced this petitioner has requested a continuance to the April 17 BZA meeting.

The Board approved the continuance.

**0603-VS-010** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(4) to allow for the development of a downtown site that is less than 5 acres, (.7).

**0603-VS-011** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(6)-(a) to reduce the front yard setback at the above location.

**0603-VS-012** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(6)-(b) to reduce the side yard setback at the above location.

**0603-VS-013** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(2)-(a) to allow the use of the rear and side yards at the above location for commercial use.

**0603-VS-014** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(2)-(c) to allow the use of the rear and side yards at the above location for commercial use (trash enclosure).

**0603-VS-017** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(1)-(3) to allow the construction of a facility without a loading berth at the above location.

**0603-VS-018** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(f) to reduce the access to less than 24 feet at the above location.

**0603-VS-019** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(g)-(2) to eliminate the required wheel stops at the above location.

**0603-VS-020** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)--j--(11) to reduce the required number of on site parking spots at the above locations.

**0603-VS-021** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(15)-(a) to reduce the required size of the sidewalks at the above location.

**0603-VS-022** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(15)-(f)-(3) to allow the use of outdoor space for storage during business hours at the above location.

**0603-VS-023** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(a) to reduce the buffer yard requirements at the above location.

**0603-VS-024** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(b) to reduce the buffer yard requirements at the above location.

**0603-VS-025** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.080.010-(e) to increase the allowable signage square footage requirements at the above location.

**0603-VS-027** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(e)-(2)-(6) to allow an outdoor eatery at the above location.

**0603-VS-028** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.060-(c) to allow for the reduction of evergreen plantings at the above location.

**0603-VS-029** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(B)-(2)-(a & b) to allow for the reduction of perimeter parking plantings at the above location.

**0603-VS-030** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(A)-(2)-(e) to allow for the reduction of parking island plantings at the above location.

**0603-VU-003** 302 East Main Street Westfield: Pearson Group: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(E)-(1) to allow for the mixing of residential and commercial land uses at the above location.

Higgins announced the petitioner has requested a continuance to the April 17 BZA meeting on all items.

**0603-VS-026:** 14641 US 31: Thomas Caccavo – Village Developer Limited Partnership: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.070-(2) to allow a drive thru at the above location.

Mr. Thomas Caccavo presented the details of the request and introduced his wife, Laura, and Joe Fahey, Oberweis Construction.

A Public Hearing opened at 8:40 p.m.

Mr. Brian Morales was in favor of the project but expressed concerns about the shipping and receiving traffic and times.

The Public Hearing closed at 8:44 p.m.

Miller asked if this store location would be the base of operation for home delivery trucks.

Caccavo responded no; that is a separate entity.

Wood moved to deny 0603-VS-026.

Sanders seconded; however, Mueller asked Zaiger to explain the meaning of the denial.

The respondent requested a continuance to the April 17, 2006 BZA meeting.

Wood withdrew his motion.

The meeting adjourned at 9:07 p.m.

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Chairman

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Secretary